

# City of Anaheim

## Administrative Regulation

### CHAPTER 1 - ADMINISTRATIVE

<b>Subject:</b>	<b>Execution and Administration of Agreements</b>	<b>A.R.</b>	<b>120</b>
		<b>Issue Date:</b>	<b>June 17, 1991</b>
		<b>Revised:</b>	<b>Aug. 2, 1995</b>
			<b>Sept. 17, 2003</b>
			<b>June 1, 2011</b>
			<b>Oct. 2, 2013</b>
		<b>Page</b>	<b>(1) of (3)</b>

#### **Purpose:**

The purpose of this regulation is to establish a policy concerning the execution and administration of all agreements other than public works construction contracts and purchasing agreements.

#### **Procedure:**

##### **Agreement Approval:**

The City Manager may enter into and amend agreements, provided the agreement is in conformance with Council Policies and the total compensation does not exceed \$100,000. Any department that uses the service of a consultant or service provider shall present the terms of the proposed agreement or amendment to the City Attorney so that the City Attorney can properly document the agreement of the parties. Once an agreement has been finalized, the City Attorney will transmit the agreement to the responsible department who shall make arrangements to obtain signatures of the other parties on three copies of the agreement prior to submitting the three copies of the agreement with all applicable insurance/bond documents to the City Attorney for final approval. Once approved by the City Attorney as to form, the City Attorney shall transmit the approved documents to the responsible department for submission to the City Council or City Manager for consideration.

The responsible department will transmit the executed agreement to the appropriate entity for approval. Transmittals shall include the following information:

#### **CITY COUNCIL**

1. Staff report according to A.R. 105.
2. Three (3) original agreements/amendments (executed by the consultant/other party(ies), "approved as to form" by the City Attorney and containing a signature line for City Clerk attestation).
3. Insurance documentation (certificates/endorsements) and bonds, "approved as to form" by the City Attorney.

**CITY MANAGER**

1. Agreement Summary Form for City Manager approval (found on the Insider; Attachment A).
2. Three (3) original agreements/amendments (executed by the consultant/other party(ies), “approved as to form” by the City Attorney and containing a signature line for City Clerk attestation).
3. Insurance documentation (certificates/endorsements) and bonds, “approved as to form” by the City Attorney.

Agreement Summary Forms must be signed by the Department Head. Department heads may delegate signature authority to a manager by submitting written authorization to the City Manager.

Once fully approved, agreements/amendments executed by the Mayor or City Manager shall be submitted to the City Clerk’s office. The City Clerk’s office will process and distribute the approved agreements, upon verification of insurance compliance. The department responsible for administering the contract shall forward one fully executed copy of the contract to the consultant.

The City Clerk will send a monthly insurance expiration report to each department advising of the consultants who have not yet completed insurance requirements or required renewals.

The Contract Administrator shall notify the City Clerk’s Office within thirty (30) days of expiration/termination and completion of agreement.

**Web Posting:**

When the City Manager approves a professional service agreement valued over \$20,000, the City Manager’s Office will post this information to the City’s Professional Services Agreement web page, screen print a copy of that posting and forward it to the department Contract Administrator and City Clerk, who must attach it to the respective department’s copy of the agreement/amendment for audit purposes. The web posting will appear on the City’s web page for 30 days.

When a department head with appropriate authorization from the City Council executes a contract, it must be logged in the City’s data base to facilitate annual reporting to the City Council. The award information must be posted to the City’s website if the value of the contract exceeds \$20,000. The department head shall submit the Agreement Award and Tracking Summary (Attachment B) to the City Manager’s office within 10 days of the date the contract is awarded. If required, the City Manager’s Office will post this information to

the City's Professional Services Agreement web page, screen print a copy of that posting and forward it to the department Contract Administrator, who must attach it to the department's copy of the agreement/amendment for audit purposes. The web posting will appear on the City's web page for 30 days.

Compliance with the web posting provisions is not necessary when the City Council has authorized the City Manager or a department head to executive a specific contract for a specific amount during a City Council meeting. However, information on all executed contracts must be submitted to the City Manager's Office as noted above.

**Responsibility:**

It shall be the responsibility of department heads to negotiate and administer agreements dealing with their department functions.

It shall be the responsibility of each responsible department to keep track of and follow up on the insurance requirements of each consultant used by their department. This includes recording expiration dates of insurance and submitting renewal documents to ensure continuous coverage through the term of the agreement.

Where the departments are authorized to execute agreements, it shall be the responsibility of the department to prepare, each month, a listing of all such agreements, which shall be retained for audit purposes.

**Attachments:**

- A. Agreement Summary Sheet for Agreements Executed by the City Manager (to be submitted with agreements for professional services to be signed by the City Manager)
- B. Agreement Award and Tracking Summary (to be used only when contract has been signed by an authorized department head and the value exceeds \$20,000)

These forms may be modified from time to time. The most current version will always be posted on the Insider.

Agreement No. **Attachment A  
City of Anaheim****Agreement Summary Sheet for Agreements Executed by the City Manager**

<b>From:</b> _____ <div style="display: flex; justify-content: space-between;"><span>(Department)</span><span>Director's signature</span></div>																				
<b>Contract Administrator:</b> _____ <div style="display: flex; justify-content: space-between;"><span>(Name)</span><span>(Phone number)</span></div>																				
<b>Name of Contractor:</b> _____																				
<b>Description of Services to be provided:</b> <i>(Please be specific)</i> _____ _____																				
<input type="checkbox"/> <b>Original Agreement</b> <input type="checkbox"/> <b>Extension/Modification of existing agreement</b>																				
<b>Value of this Agreement:</b> \$ <u>0.00</u> <i>(if city will not expend funds, enter 0)</i>																				
<b>If mod/extension, initial Value of Agreement:</b> \$ <u>0.00</u>																				
<b>Total Value of Agreement:</b> \$ <u>0.00</u>																				
<b>Term of Agreement:</b> _____ <b>Renewal Options?</b> <i>(specify)</i> _____																				
<b>Insurance Requirements</b> <i>(check all that apply):</i> <input type="checkbox"/> General Liability <input type="checkbox"/> Workers Comp. <input type="checkbox"/> Professional Liability <input type="checkbox"/> Automobile Liability <input type="checkbox"/> Endorsements																				
<p>List all other contracts the Department has entered into with this consultant in the last 12 months that include payment in the current year, including a description of each contract and its value and the cumulative value of all contracts with that consultant.</p> <table style="width: 100%; border-collapse: collapse;"><thead><tr><th style="text-align: left; width: 60%;">Contract Description</th><th style="text-align: left; width: 20%;">Authorized by CM/CC</th><th style="text-align: left; width: 20%;">Value</th></tr></thead><tbody><tr><td>_____</td><td>_____</td><td>\$<u>0.00</u></td></tr><tr><td>_____</td><td>_____</td><td>\$<u>0.00</u></td></tr><tr><td>_____</td><td>_____</td><td>\$<u>0.00</u></td></tr><tr><td colspan="2"><b>Current Contract Total</b></td><td>\$<u>0.00</u></td></tr><tr><td colspan="2"><b>Cumulative Total</b></td><td>\$<u>0.00</u></td></tr></tbody></table> <p><input type="checkbox"/> <b>No other contracts</b></p>			Contract Description	Authorized by CM/CC	Value	_____	_____	\$ <u>0.00</u>	_____	_____	\$ <u>0.00</u>	_____	_____	\$ <u>0.00</u>	<b>Current Contract Total</b>		\$ <u>0.00</u>	<b>Cumulative Total</b>		\$ <u>0.00</u>
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<b>Cumulative Total</b>		\$ <u>0.00</u>																		

**Agreement Summary Sheet for Agreements Executed by the City Manager**  
**Page 2**

The City Manager will not approve this agreement unless the Department has fully justified how the award complies with City Council Policy 4.1 and Administrative Regulation 120.

**Selection Process:**

**Is agreement proposed pursuant to a Master Contract or Council-approved design team?** ☐ Yes ☐ No **If No, answer the following questions:**

**Was RFP distributed?**

☐ Yes

*To how many firms? 0*

☐ No

*Why not? How were proposals solicited?*

**How many proposals were received?** 0

*If only one proposal received, what steps were taken to ensure the proposed price was fair and reasonable?*

**Agreement Award:**

**Was the agreement awarded to the firm with the lowest cost?**

☐ Yes

☐ No

*(Explain, in detail, why not.)*

Attach a summary of all proposals including the name of each firm and its proposed fee for services. Order the list from lowest to highest cost, and include the ranking assigned to each firm based on the department's evaluation.

**Funding Source:**

☐ General Fund

☐ Other

- - -

- - -

- **Was this agreement anticipated in the approved budget?**

☐ Yes

☐ No *(Explain)*

- **Describe the funding source, and note any restrictions on the use of such funds** *(i.e., underground surcharge can only be used to underground utilities; grant funds authorized for specific project).*



**ATTACHMENT B**

**AGREEMENT AWARD AND TRACKING SUMMARY**  
**FOR AGREEMENTS EXECUTED BY DEPARTMENT HEADS**  
**WITH GENERAL AUTHORIZATION FROM THE CITY COUNCIL**

**DATE:** \_\_\_\_\_

**TO:** CITY MANAGER/CITY CLERK

**FROM:** \_\_\_\_\_

**SUBJECT/TITLE:**  
\_\_\_\_\_

**1. DOLLAR AMOUNT OF THE AGREEMENT:** \_\_\_\_\_

**2. FUNDING SOURCE:** \_\_\_\_\_

**3. EFFECTIVE DATES OF THE AGREEMENT:** \_\_\_\_\_

**4. CONTRACT ADMINISTRATOR:**  
\_\_\_\_\_  
Name \_\_\_\_\_ Ext. \_\_\_\_\_

**5. AUTHORITY FOR DEPARTMENT HEAD TO EXECUTE (Council Resolution or other authorization and Date):**  
\_\_\_\_\_

**6. SUPPORT DOCUMENTS INCLUDED (if City Clerk's attestation is required):**

- ☐ **Agreement:** Submit three signed originals  
Insurance and Endorsements Required:
- ☐ General Liability
  - ☐ Workers' Compensation
  - ☐ Professional Liability
  - ☐ Automobile Liability
  - ☐ Endorsements

☐ **Purchase Order:** Submit one copy (if required)

**SPECIAL INSTRUCTIONS:**  
\_\_\_\_\_  
\_\_\_\_\_